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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Brazil

1. Brazil decided to accede to the Treaty on the Non-Proliferation of Nuclear Weapons in 1998,[1] taking into consideration the easing of international tensions following the end of the cold war and the consolidation of the Treaty as the main international nuclear non-proliferation and disarmament regime, by virtue of the adoption of a strengthened, forward-looking review process at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

2. In doing so, Brazil sought to join other parties to the Treaty in focusing its efforts on the complete elimination of nuclear arsenals as the only means of correcting the built-in asymmetry between States parties and the full and definitive achievement of the Treaty's goals.

3. The National Congress of Brazil approved the country's accession to the Treaty on the understanding that effective measures would be taken with a view to the cessation of the nuclear arms race at an early date and the total elimination of nuclear weapons, as stated in the Legislative Decree[2] that approved the Treaty in 1998.

4. Underlying Brazil's positions on the three pillars of the Non-Proliferation Treaty and corresponding national policies is the basic assumption that peaceful uses of nuclear energy are a force for development, to which all countries have an equal, inalienable and sovereign right, while the continued existence of nuclear weapons represents a perennial threat over humankind that must be confronted with the utmost resolve by all countries and peoples. Nuclear weapons underpin an unjust and discriminatory international order that fosters instability and insecurity and also hinders social and economic development globally. The financial implications of maintaining (if not upgrading) nuclear arsenals sit ill with a financially constrained international environment. The vast resources spent yearly on nuclear arsenals could

[1] Act 2864 of 7 December 1998.
[2] Legislative Decree 65 of 2 July 1998.

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be better used for other purposes, including the achievement of the sustainable development goals worldwide.

Article I

5. Brazil considers that non-proliferation efforts are but a means of fulfilling the highest aspirations and purposes of the Treaty, which are aimed at eliminating the risk of nuclear war and achieving the goal of a safer, nuclear-weapon-free world.

6. More than 45 years after the Treaty was concluded, and 25 years after the end of the cold war, the continued existence of nuclear weapons, both within and outside the Treaty's regime, runs counter to its provisions and remains a powerful stimulus for proliferation. As long as some States possess such weapons, other States may be tempted to acquire or develop them, just as proliferation occurred prior to the existence of the Treaty, generating the nuclear-weapon States recognized under the Treaty.

7. Brazil is neither a member of any military alliance involving nuclear arsenals, nor is it protected by so-called nuclear umbrellas.

8. Nuclear proliferation is stimulated not only by the existence of nuclear weapons, but also by the ongoing qualitative development of such weapons and their delivery systems. It is also spurred by doctrines that seek to justify and perpetuate a purported usefulness and need for such weapons and that admit the possible use of nuclear weapons against States not possessing nuclear weapons.

9. A world in which nuclear weapons are allowed will remain intrinsically insecure, under the threat of nuclear proliferation and nuclear annihilation itself. This, along with the moral unacceptability of any weapons of mass destruction, should provide the strongest argument for nuclear non-proliferation and disarmament.

10. Therefore, the five nuclear-weapon States under the Treaty are called upon to undo the effects of their original development, proliferation and accumulation of nuclear weapons by fulfilling their unique responsibility for achieving the total elimination of their nuclear arsenals.

11. Confidence that nuclear weapons are to be totally eliminated in the foreseeable future thus provides the most effective and credible bulwark against further proliferation. In this sense, it is urgent that the nuclear-weapon States make a clear commitment on a prospective time frame for the complete elimination of their nuclear arsenals.

12. Non-proliferation concerns cannot hamper the inalienable right to the development, research, production and use of nuclear energy or international cooperation related to peaceful nuclear activities. Non-proliferation concerns cannot be invoked as a pretext to impose additional obligations or new restrictions on States parties to the Treaty that have already forgone the nuclear-weapons option. Any new non-proliferation commitments, including in terms of enhanced verification procedures, must be considered in the light of the Treaty's overall implementation, particularly with regard to the nuclear-weapon States' nuclear disarmament obligations.

Article II

13. The Constitution of Brazil[3] expressly forbids all non-peaceful nuclear activities within the country's territory. Brazil does not possess, nor has it ever developed, nuclear weapons, and has always fulfilled its nuclear non-proliferation commitments. Legislation in force (see below) prohibits and prevents the testing, use, manufacture, production or acquisition by any means of any nuclear explosive device in its territory. Furthermore, Brazil abstains from carrying out, promoting or authorizing, directly or indirectly, or from participating, in any way, in any of the said activities. Moreover, Brazil is not a party to any military alliance or security system that foresees the possible use of nuclear weapons.

14. Brazil is concerned at possible non-compliance within the Treaty, as well as instances of proliferation outside the Treaty. Ensuring full compliance with the Treaty by its States parties and seeking its universality are goals that must be pursued in parallel. Complacency with proliferation outside the Treaty runs counter to efforts aiming at strengthening its regime and achieving non-proliferation goals and the total elimination of nuclear weapons.

15. Brazil shares the concern about the risk that nuclear weapons and other weapons of mass destruction and related technologies may fall into the hands of unauthorized non-State actors or terrorists. Such a risk highlights not only the need to promote nuclear safety and security, but also, most importantly, to make steady progress towards completing nuclear disarmament and outlawing those weapons entirely. The use or threat of use of nuclear weapons is obviously no deterrent to terrorist threats. Only the complete elimination of weapons of mass destruction can ensure that such weapons will never be obtained by unauthorized non-State actors or terrorists.

16. Besides the obligations derived from the Treaty and the incorporation into its national legislation of the guidelines adopted in the context of the Nuclear Suppliers Group, Brazil has enacted legislation for the control of every nuclear activity in its territory, defining specific penalties for activities not authorized by the Government in this field. This legislation, set out below, is also in line with Security Council resolutions 1373 (2001), 1540 (2004) and 1887 (2009):

(a) Act 4118 of 27 August 1962 created the National Commission for Nuclear Energy. It determines that all activities related to the nuclear field are a monopoly of the State. It establishes that the control of those activities is incumbent upon the National Commission. It defines as a crime against national security the clandestine export or import of nuclear materials (article 39). Furthermore, it prohibits the possession or transfer of nuclear materials, including by-products, without explicit authorization from the National Commission, even within the domestic market (article 40);

(b) Act 6453 of 17 October 1977 established civil responsibility for nuclear damages and criminal responsibility for acts related to nuclear activities. It defined and penalized the production, processing, supplying and use of nuclear material without necessary authorization or for other purposes than those allowed by law (article 20), as well as the export and import of nuclear material without due official

[3] Article XXI, paragraph XXIII (a): "All nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress".

license (article 25). If related to terrorist acts, the penalties associated with those offences are cumulative to those provided for crimes of terrorism;

(c) Act 1065 of 24 February 1994 approved the 1991 Agreement between the Federative Republic of Brazil, the Argentine Republic, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials[4] and the International Atomic Energy Agency (IAEA) for the Application of Safeguards ("the Quadripartite Agreement"). The Quadripartite Agreement is a result of a historic, successful political process of integration and confidence-building between Brazil and Argentina. The two countries decided to follow an unprecedented path in the peaceful uses of nuclear energy by creating the Brazilian-Argentine Agency and submitting all their nuclear facilities to IAEA and Brazilian-Argentine Agency comprehensive safeguards;

(d) Act 1246 of 16 September 1994 approved the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and resolutions 267 (E-V) of 3 July 1990; 268 (XII) of 10 May 1991; and 290 (E-VII) of 26 August 1992, adopted at the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

(e) Act 9112 of 10 October 1995 established controls on international exports of materials and services with possible application to weapons of mass destruction. It defines as sensitive goods all those with dual use in the nuclear, chemical and biological fields. The implementation of controls is supervised by an Interministerial Commission for Export Control of Sensitive Goods, established within the presidency of the Republic.

Article III

17. Brazil re-endorses the call by previous Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons for the application of IAEA comprehensive safeguards to all source or special fissionable material in all peaceful nuclear activities in the States parties, in accordance with the provisions of article III of the Treaty, and welcomes the fact that 172 States have already brought into force those agreements with IAEA.

18. All nuclear material in Brazil is accounted for by the National Commission for Nuclear Energy, established in 1962. The National Commission regulates and supervises all nuclear activities in Brazil. It is also responsible for primary interaction with the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and for the implementation of the 1991 Quadripartite Agreement between Brazil, Argentina, the Brazilian-Argentine Agency and IAEA.

19. The Brazilian-Argentine Agency is responsible for the administration and application of the Common System of Accounting and Control to all nuclear materials in Brazil and Argentina, with a view to ensuring that no material is diverted to nuclear weapons or other nuclear explosive devices, in conformity with the purposes of the bilateral Agreement that created the Agency.

[4] The Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials was created by the Agreement between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy, signed in Guadalajara, Mexico, on 18 July 1991. The Agreement established the Common System of Accounting and Control of Nuclear Materials, implemented by the Brazilian-Argentine Agency.

20. The Quadripartite Agreement between Brazil, Argentina, the Brazilian-Argentine Agency and IAEA subjects all nuclear materials in Brazil to IAEA comprehensive safeguards. The physical monitoring of nuclear activities, as mandated under the Non-Proliferation Treaty, is conducted by both IAEA and the Brazilian-Argentine Agency under the terms of the Quadripartite Agreement. Such monitoring started before Brazil's accession to the Treaty in 1998.

21. All of the 25 nuclear facilities in Brazil are placed under international Brazilian-Argentine Agency and IAEA comprehensive safeguards, including one uranium isotopic enrichment laboratory and one uranium enrichment pilot plant that are located at military facilities. A conversion plant, also located in military installations and presently under tests for determination of process parameters, is already subject to Brazilian-Argentine Agency and IAEA safeguards. About 60 IAEA and Brazilian-Argentine Agency on-site inspections are conducted every year.

22. Cooperation between the international safeguards system (IAEA), the regional system (Brazilian-Argentine Agency) and the national system under the National Commission has contributed substantially to enhancing the effectiveness and efficiency of the implementation of safeguards in Brazil. Brazil has repeatedly stressed the need for increased integration of the implementation of safeguards at the international and regional levels. Brazil attaches great importance to the cooperation between the Brazilian-Argentine Agency and IAEA with a view to avoiding any duplication of effort and achieving cost-effectiveness in the application of safeguards in Brazil and Argentina.

23. The satisfactory implementation of the unique and comprehensive safeguards system in place in Brazil and Argentina is clearly recognized by IAEA and the Brazilian-Argentine Agency in their annual reports, without ever having given rise to any form of doubt with respect to the complete fulfilment of the commitments and obligations of the two countries in accordance with all relevant international instruments on nuclear non-proliferation and disarmament to which they are parties: the Quadripartite Agreement between Brazil, Argentina, IAEA and the Brazilian-Argentine Agency (1991); the Treaty of Tlatelolco (1967); the Non-Proliferation Treaty (1968); and the Comprehensive Nuclear-Test-Ban Treaty (1996). Both agencies have independently concluded that all declared nuclear material remains as part of peaceful activities in Brazil.

24. That impeccable track record has prompted the Government of Brazil to state, in its national defence strategy,[5] that it will adhere to increased safeguards commitments that are additional to those prescribed in the Non-Proliferation Treaty and geared to imposing new restrictions on States not possessing nuclear weapons, only after the nuclear-weapon States have advanced in the Treaty's main objective: their own nuclear disarmament. In that sense, Brazil welcomes the fact that the 2010 Review Conference has confirmed that it is the sovereign decision of any State to conclude an additional protocol with IAEA. Brazil remains supportive of efforts by IAEA to promote more efficient and effective safeguards, in strict accordance with the relevant legal instruments and taking into account the necessary distinction between legal obligations and voluntary commitments such as the additional protocol.

[5] Executive Decree 6703 of 18 December 2008.

25. Brazil has developed uranium enrichment technology indigenously and, like other States, is determined to continue the development of nuclear-fuel-related technologies and, in so doing, exercise its right to protect related proprietary and commercial information. Moreover, Brazil has a nuclear-propelled submarine project, the completion of which will require the application of special procedures on the nuclear material to be utilized therein, in accordance with article 13 of the Quadripartite Agreement.

Article IV

26. The inalienable right to the development and use of nuclear energy for peaceful purposes was not established by the Non-Proliferation Treaty, since it pre-existed the Treaty. The Treaty has in fact excluded the possibility of any interpretation that would affect this right, recognized in article IV, which plays a pivotal role under the Treaty, together with the obligations contained in articles I, II and VI. Respect for this right and the undertaking by States parties to facilitate the fullest possible exchange of nuclear technology for peaceful purposes are key elements of the effectiveness and credibility of the Treaty regime. Therefore, any proposals aimed at limiting the exercise of this inalienable right should be firmly rejected.

27. The development and uses of nuclear energy for peaceful purposes is a fundamental principle enshrined in the Constitution of Brazil. Nuclear technologies are an indispensable tool in modern economies and play an important role in global endeavours to reduce carbon emissions and combat climate change. International cooperation in the nuclear field is a key component of efforts aimed at sustainable economic development. IAEA plays an essential role in that respect.

28. Brazil is fully convinced that nuclear technology can play a very important role in the achievement of the post-2015 sustainable development goals. As highlighted in the outcome document of the United Nations Conference on Sustainable Development,[6] sustainable development must be achieved in all its dimensions, with a view to integrating the economic, social and environmental aspects. Nuclear energy will certainly have an impact on those three areas, particularly when taking into account that nuclear applications in health, nutrition, food, agriculture, environment, industry and energy can contribute to the preservation of life, eradication of poverty, improvement of health and education and productivity gains.

29. Brazil is a founding member of IAEA. Since 1957, it has participated in an active and constructive manner in the work of the Agency with the aim of strengthening the exercise of the right to the peaceful uses of nuclear technology and promoting international cooperation in this field. Brazil receives significant benefits from international cooperation and also assists other States by providing technical cooperation on nuclear science and nuclear technology applications. Brazil maintains nearly 20 bilateral nuclear cooperation agreements, with both developed and developing countries. Brazil attaches particular relevance to the IAEA Technical Cooperation Programme, in which it is an active participant, as both a beneficiary and a donor country.

[6] "The future we want", endorsed by the General Assembly in its resolution 66/288.

30. Under the auspices of the Programme, Brazil sends around 50 technicians abroad for training every year. Furthermore, it offers more than 40 scholarships for nationals of Latin American and Caribbean, African, Middle Eastern and Asian countries to receive training at Brazilian institutions and facilities. Brazil also makes available about two dozen nuclear specialists every year to serve in the context of IAEA expert missions abroad.

31. Since the 1980s, Brazil has been an active participant in the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL), mainly as a donor country, both by making available scholarships at its nuclear institutions for the training of Latin American and Caribbean experts and by making available Brazilian experts and instructors to assist other countries in the region.

32. Brazil operates two nuclear power plants, and a third one is under construction. Altogether, they will generate approximately 3,000 megawatts. Brazil is endowed with the world's sixth-largest uranium ore reserves, with 70 per cent of the territory still to be prospected, and has developed wide-ranging production capabilities, from the mining and processing of uranium to UO2 and isotopic uranium enrichment, all the way to nuclear fuel element production. Uranium enrichment activities were started in 1987 at the Aramar Experimental Centre, which developed the technology indigenously. The industrial enrichment facility and the fuel fabrication plant, located at Resende, are now fully operational and continue to increase their production capacity.

33. Besides electrical power generation, Brazil's nuclear activities extend to wide-ranging applications in medicine, agriculture, industry and environmental protection. More than 700 hospitals and clinics use nuclear techniques in medical applications, including radiotherapy and nuclear medicine. More than 450 clinical facilities apply radiopharmaceutical products in more than 2.5 million medical procedures every year. Furthermore, there are approximately 22 specialized laboratories that conduct radio-immune assays. Nearly 700 industrial plants use radioisotopes, for instance, in food irradiation, polymerization, industrial radiography and oil-well operations. Brazil is building a 30-megawatt multipurpose research reactor in cooperation with Argentina. The reactor's basic engineering design was concluded in 2014, and the site approval by the nuclear regulatory authority was issued in January 2015.

34. With regard to nuclear safety and nuclear security for the uses of nuclear energy, Brazil believes that IAEA should play the key role in the development of safety standards, nuclear security guidance and relevant conventions based on best practice. Brazil is finalizing the necessary interministerial consultations with a view to submitting the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material to legislative approval, as a further step to its participation in all relevant international conventions on the promotion of nuclear security and the suppression of terrorism. The National Commission for Nuclear Energy is revising its regulations on nuclear and radiological security, taking into account international best practices and provisions of the Amendment, as well as *Nuclear Security Recommendations on Physical Protection of Nuclear Material and Facilities* (INFCIRC/225/Rev.5) and other relevant IAEA recommendations. Brazil has expressed its political commitment to the implementation of the IAEA Code of

Conduct on the Safety and Security of Radioactive Sources, as well as the Guidance on the Import and Export of Radioactive Sources.

35. In a more comprehensive approach to nuclear security, Brazil has a long-standing position that efforts in that field must be articulated within the international community's broader efforts to promote the goals of nuclear disarmament, non-proliferation and the advancement of the peaceful uses of nuclear energy. As long as nuclear disarmament remains unrealized, measures aimed at securing nuclear materials and facilities will be tinged with an undeniable degree of precariousness. The additional risks stemming from the possibility of State or non-State actors having access to nuclear weapons or nuclear materials only heightens the need to expedite nuclear disarmament. Furthermore, Brazil is convinced that nuclear security efforts must be geared towards protecting all nuclear material and installations, encompassing both civilian and military. Without detriment to the protection of sensitive national security information, nuclear-weapon States should regularly give an account of measures related to the security of their nuclear arsenals and their nuclear materials for military purposes. Finally, we should also be aware that concerns with nuclear security cannot be invoked to preclude the legitimate right of States to the peaceful uses of nuclear energy in conformity with article IV of the Non-Proliferation Treaty.

36. This broader view drives the position of Brazil in discussions related to nuclear security, both at IAEA and in other forums. One example was the initiative, along with 14 other non-nuclear-weapon States, of the joint statement "In larger security: a comprehensive approach to nuclear security", issued at The Hague Nuclear Security Summit held in 2014.

Article V

37. The Final Documents of the 2000 and 2010 Review Conferences affirm that the provisions of article V of the Non-Proliferation Treaty are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty. Brazil participated actively in negotiations on the Treaty, signed it on the day it was opened for signature — 24 September 1996 — and ratified it on 24 July 1998. Since then, Brazil has been actively participating in the work of the Vienna-based Preparatory Commission for the future Comprehensive Nuclear-Test-Ban Treaty Organization.

38. In line with the Comprehensive Nuclear-Test-Ban Treaty as well as with previous commitments made under the above-mentioned bilateral and quadripartite nuclear agreements signed with Argentina, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and IAEA in 1991, Brazil revoked its reservations under the Treaty of Tlatelolco concerning peaceful nuclear explosions, thus relinquishing the right to conduct them.

39. Brazil has consistently called for the universalization of the Comprehensive Nuclear-Test-Ban Treaty and welcomes the fact that, so far, 183 States have signed and 164 have ratified the Treaty. However, it continues to call on States, particularly the eight States listed in Annex 2 to the Treaty that have not yet done so, to ratify it as soon as possible. Brazil welcomes the current moratoriums on nuclear testing by States possessing nuclear weapons, but recalls that such moratoriums do not have legally binding effects and are no substitute for the Treaty's entry into force.

40. Brazil has repeatedly raised the issue that, pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, all countries should refrain from actions that may undermine its goals. We continue to learn with great concern of activities aimed at the development and qualitative improvement of nuclear weapons through other means, mainly non-explosive experiments. Such actions include the development of subcritical tests, which, in the view of many countries, including Brazil and other countries in the Community of Latin American and Caribbean States, are contrary to the object and purpose of the Treaty, contradict its spirit, if not its letter, and strongly undermine its impact as a nuclear disarmament measure. Brazil therefore calls for the cessation of all nuclear weapons tests in all their forms, both supercritical and subcritical.

Article VI

41. As highlighted in the preamble to the Non-Proliferation Treaty, in considering the devastation that would be visited upon all mankind by a nuclear war, States parties need to make every effort to avert the danger of such a war. The risk of a global nuclear war did not disappear with the end of the cold war. The risk of a nuclear attack, either by design or accident, persists, and may even have increased.

42. Full understanding of the continuing risks of a nuclear catastrophe has been advanced recently by the conferences on the humanitarian impact of nuclear weapons, held in Oslo; Nayarit, Mexico; and Vienna. They emphasized the unacceptability of the continued existence of nuclear weapons in the face of those weapons' indiscriminate nature, their long-ranging effects on human health and on the environment, and the impossibility, on the part of any country or organization, of providing adequate humanitarian relief in the event of a nuclear attack.

43. Forty-five years after the entry into force of the Non-Proliferation Treaty, and despite arsenal reductions, more than 16,000 nuclear weapons still exist, while security doctrines based on their use continue to play a pivotal role in the defence strategies of nuclear-weapon States. Brazil therefore identifies a clear compliance deficit on the part of the five nuclear-weapon States, which have not lived up to their commitment under article VI of the Treaty of pursuing negotiations in good faith on nuclear disarmament — which the International Court of Justice, in its landmark 1996 advisory opinion, recognized as an obligation. Nor do they seem to be willing to give any concreteness to their unequivocal undertaking in 2000 to accomplish the total elimination of their nuclear arsenals. Brazil would like to stress that the indefinite extension of the Treaty in 1995 cannot in any way be interpreted as permission for the perpetual possession of nuclear weapons.

44. Although some worthy initiatives have been undertaken since the end of the cold war, including nuclear arsenal reductions and confidence-building measures, meaningful progress on nuclear disarmament — transparent, verifiable and irreversible — has been elusive. The results of the so-called step-by-step approach have fallen short of the initial expectations, highlighting the need for a reassessment of the international approach towards disarmament obligations. The Comprehensive Nuclear-Test-Ban Treaty, intended to be the first step, was finalized almost 20 years ago and is not yet in force, nor is it likely to enter into force in the near future. The beginning of negotiations on a fissile material treaty has been stalled for over a decade, making it hard to predict when it will be concluded, let alone when it will enter into force.

45. In order to fulfil the moral and legal obligations towards nuclear disarmament, both under international humanitarian law and under article VI of the Non-Proliferation Treaty, it is imperative to have a political horizon for the complete elimination of nuclear weapons. Brazil believes it is high time to challenge the notion that progress in nuclear disarmament should depend on the improvement of worldwide security and stability. In fact, the opposite is true. Brazil considers that only decisive action towards the fulfilment of nuclear disarmament commitments can bring about the conditions for a safer and more stable international order.

46. Brazil is convinced that nuclear weapons do not enhance, but rather diminish, the security of all States, including of those that believe they are more secure by virtue of possessing such weapons or of participating in nuclear-weapon-based military alliances. Reducing stockpiles will not lead to true nuclear disarmament as long as nuclear weapons are seen as strategic assets and qualitative arms races continue, although in less visible or disguised forms.

47. Brazil acknowledges the steps taken by the nuclear-weapon States to increase transparency regarding their nuclear arsenals. Increased transparency, however, should not be understood as an end in itself, but rather as a means to advance towards effective and complete nuclear disarmament.

48. The "unequivocal undertaking" by the nuclear-weapon States to accomplish the total elimination of nuclear arsenals, adopted and reaffirmed at the 2000 and 2010 Review Conferences, must be taken in all seriousness. Nuclear-weapon States are called upon to demonstrate an unflinching commitment to the speedy implementation of the agreed path towards a nuclear-weapon-free world. Although unilateral and bilateral reductions are an indispensable part of the overall nuclear disarmament effort, they cannot substitute for a framework of multilaterally agreed measures.

49. Complete, verifiable and irreversible nuclear disarmament must remain a global priority and this should be reflected in concrete, decisive steps towards it, with the urgent launching of negotiations on a comprehensive and legally binding instrument to ban the development, production, acquisition, possession, stockpiling, retention, testing, use and transfer of nuclear weapons and that provides for their complete elimination. Brazil believes that the negotiations must take place within the existing multilateral system, either at the Conference on Disarmament or, if this is not viable, by the General Assembly of the United Nations.

50. Brazil considers that developing the necessary verification capabilities is an essential part of achieving complete and effective nuclear disarmament. Brazil has defended that multilateral organizations, notably IAEA, should play a major role in that respect. Brazil has supported the inclusion of a reference on the necessity of IAEA maintaining in-house disarmament verification capabilities in the Agency's Medium Term Strategy 2012-2017, as well as in resolutions approved by the body's General Conference.

Article VII

51. Brazil is a founding member of the first nuclear-weapon-free zone in an inhabited region of the world, established by the Treaty of Tlatelolco, which was adopted by all Latin American and Caribbean States. The Treaty, which predates the

Non-Proliferation Treaty itself, has been ratified by every country in the region and is considered a model for all other initiatives that have resulted in nuclear-weapon-free zones.

52. Brazil strongly supports the implementation of nuclear-weapon-free zones and considers that they play an increasingly important role in efforts to bring about a nuclear-weapon-free world. In that spirit, Brazil participated in the three conferences of nuclear-weapon-free zones, held in 2005 in Mexico City, and in 2010 and 2015 in New York. Today, 113 countries belong to nuclear-weapon-free zones in the southern hemisphere and adjacent areas.

53. The States parties to the Treaty of Tlatelolco have been calling on the nuclear-weapon States to review the negative security assurances extended to them under the auspices of the Protocols to the Treaty. Unfortunately, the nuclear-weapon States' response is disappointing, inasmuch as they chose to retain their reservations to or unilateral interpretations of the Protocols. Brazil, both bilaterally and as a State party to the Treaty of Tlatelolco, continues to call upon the nuclear-weapon States to review their position on this issue, with a view to providing the members of such zones with unequivocal assurances against the use of nuclear weapons.

54. Together with New Zealand, Brazil has since 1996 sponsored a resolution of the General Assembly entitled "Nuclear-weapon-free southern hemisphere and adjacent areas", which recognizes that nuclear-weapon-free zones are gradually freeing the entire southern hemisphere of nuclear weapons. The resolution also affirms the contribution of this effort to the strengthening of the non-proliferation and disarmament regime, as an example to the nuclear-weapon States and to those States that have joined them in nuclear-weapon-based military alliances. In this regard, the resolution calls upon the nuclear-weapon States to support the process of nuclear disarmament and to work expeditiously for the total elimination of their nuclear arsenals.

55. Brazil fully supports the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, as per the 1995 Review Conference resolution on the Middle East (NPT/CONF.1995/32/RES/1). As a country unequivocally committed to the integrity of the Non-Proliferation Treaty and to the credibility of the review mechanism, Brazil is therefore frustrated with the failure, so far, to convene a conference on the establishment of such a zone in the region, as provided for by the action plan on nuclear disarmament adopted at the 2010 Review Conference. Brazil believes that the successful convening of the conference represents an essential part of the Non-Proliferation Treaty and of the current review cycle. We believe the conference can be a useful tool in fostering greater trust and confidence among States of the region.

Article VIII

56. The strengthened review process agreed in 1995 ascribed a forward-looking role to the review conferences. Among other significant achievements of that process was the adoption in 2000 of the 13 practical steps leading to nuclear disarmament and of the action plan of the 2010 Review Conference, which reaffirmed and deepened those commitments.

57. The decision taken at the 1995 Review and Extension Conference to extend the Treaty indefinitely does not signify that nuclear weapons are to be retained

indefinitely. Such a misconception would in fact encourage further nuclear proliferation and defeat the Treaty's goal of achieving a nuclear-weapon-free world. The Treaty must logically and ultimately be superseded by a comprehensive and legally binding instrument to ban the development, production, acquisition, possession, stockpiling, retention, testing, use and transfer of nuclear weapons and that provides for their complete elimination.

58. At the 2000 Review Conference, Brazil and its partners (Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) in the New Agenda Coalition worked closely on the elaboration and discussion of the 13 practical steps for systematic and progressive efforts on nuclear disarmament, which came to be the most important achievement of that Conference.

59. After a difficult Review Conference in 2005, the 2010 Review Conference succeeded in reaching a consensual Final Document, whereby a new, enhanced action plan was approved. Lack of implementation of its main disarmament objectives, however, seems to undermine the confidence in the effectivity of the review process. While calling for the complete implementation of nuclear disarmament commitments of the 2010 action plan, Brazil believes that the 2015 Review Conference should not provide merely for a "rolling over" of those, but for the adoption of new, more ambitious and concrete actions related to the elimination of nuclear weapons.

60. Brazil considers that the challenges facing the implementation of the Treaty are of a political nature and not the result of deficiencies in the machinery or administration of the Treaty. The creation of new bureaucratic structures seems unnecessary and could duplicate work already done at the United Nations and IAEA. Although the strengthened review process could always be streamlined and made more efficient, it is sufficient for the purpose of ascertaining the full implementation of the Treaty. Political will by all parties is of the essence.

Article IX

61. The universalization of the Treaty remains an important challenge for the future of the Treaty. Brazil has repeatedly called on those States not yet party to the Treaty to accede to it without delay as non-nuclear-weapon States parties. The establishment of new nuclear-weapon-free zones, particularly in the Middle East and South Asia, would greatly contribute to the integrity and sustainability of the Treaty regime.

62. Non-State parties should refrain from any action that might undermine the fulfilment of the objectives of the Treaty, as well as of relevant United Nations resolutions. At the same time, unequivocal, concrete steps by the nuclear-weapon States to expedite nuclear disarmament and achieve the total elimination of nuclear arsenals in the foreseeable future would play a major part in encouraging nuclear-weapon-capable States outside the Treaty to reconsider their options and join the Treaty as non-nuclear-weapon States.

Article X

63. Brazil considers that the decision to withdraw from the Treaty — as from any treaty freely subscribed to — is a sovereign right recognized under international law. The indefinite extension of the Treaty adopted at the 1995 Review and

Extension Conference did not alter the procedure laid out in article X concerning withdrawal, in case a State party "decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country".

64. The rigorous procedure established under article X is recognition of the Treaty's relevance to international peace and security. Upon receiving any notice of a State's decision to withdraw from the Treaty, the Security Council should carefully assess the extraordinary events deemed to have jeopardized the supreme interests of the withdrawing country, with a view to, if possible, addressing that State's concerns and enabling the continued membership of that State to the Treaty.

65. It is Brazil's view, however, that discussions on withdrawal from the Treaty should focus less on constraints to be applied to those States parties that may potentially leave the regime, and more on the incentives for States parties to remain within it. That main incentive, in Brazil's view, would be the implementation of all of the Treaty's pillars, particularly the nuclear-weapon States' disarmament obligations.